

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

United States of America,)	
)	
Plaintiff,)	Criminal No.: 4:94-297-6
)	
vs.)	
)	
Patrick L. Harris,)	ORDER
)	
Defendant.)	
_____)	

On April 6, 2005, the defendant filed a motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). This matter is now before the Court for disposition.

Under 18 U.S.C. § 3582(c)(2), a defendant may file a motion requesting the Court to modify his term of imprisonment. After considering the factors set forth in 18 U.S.C. § 3553(a), the Court may reduce the sentence if such reduction is consistent with applicable policy statements issued by the Sentencing Commission. 18 U.S.C. § 3582(c)(2).

In his motion, the defendant relies on Amendment 591 to support his request for the reduction of his sentence. While Amendment 591 can retroactively authorize a reduction in sentence, this amendment does not apply to the defendant's situation. The purpose behind Amendment 591 is as follows:

This amendment addresses a circuit conflict regarding whether the enhanced penalties in § 2D1.2 (Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals) apply only in a case in which the defendant was convicted of an offense referenced to that guideline or, alternatively, in any case in which the defendant's relevant conduct included drug sales in a protected location or involving a protected individual.

United States Sentencing Commission Guidelines Manual, Appendix C, Volume II, page 30 (explaining the policy reason behind Amendment 591).

Here, the defendant was convicted on drug charges unrelated to protected locations or underage or pregnant individuals. The defendant, therefore, may not receive a reduction of his sentence based on Amendment 591.

The Court therefore denies the defendant's motion to modify his sentence.

AND IT IS SO ORDERED.

A handwritten signature in black ink, reading "C. Weston Houck". The signature is written in a cursive, flowing style. The "C" is large and loops around the first part of the name. The "Houck" is written with a long, sweeping tail that extends to the right.

**C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE**

May 16, 2005
Charleston, South Carolina